

**PERMITTING & COMPLIANCE DIVISION  
Waste & Underground Tank Management Bureau**

**CLARIFICATION MEMORANDUM – Asbestos Project Permit Applications and Project Designs for Asbestos  
Waste Transportation and/or Disposal**

**TO:** Asbestos Control Program Regulated Community and Interested Parties  
**DATE:** January 20, 2009  
**FROM:** John Podolinsky, Department of Environmental Quality Asbestos Control Program  
**SUBJECT:** Clarification of Requirements for Asbestos Project Permit Applications and Project Designs for Asbestos Waste Transportation and/or Disposal

This clarification memorandum serves two purposes. It reminds parties who conduct asbestos-related activities in Montana that they must obtain an asbestos project permit when transporting or disposing of regulated asbestos waste in Montana. It also reminds them that they must submit a project design for the transportation and/or disposal of regulated asbestos waste. This clarification memorandum identifies portions of the Montana Code Annotated (MCA), Administrative Rules of Montana (ARM), Montana Asbestos Work Practices and Procedures Manual 2005 (Manual), and EPA National Emission Standards for Hazardous Air Pollutants (NESHAP) that apply to asbestos project permit applications for the transport and disposal of regulated asbestos waste in Montana. In order to keep this memorandum brief, it refers the reader to specific regulations and documents.

A person must obtain an asbestos waste transportation and/or disposal project permit from the Department before transporting or disposing of regulated asbestos waste in Montana, regardless of whether that waste was derived from asbestos projects, residential sites, outdoor sources, Indian Reservations, out-of-state sources, etc. Regulated asbestos waste includes regulated asbestos containing materials (RACM) that are or have become waste (see definition of RACM in section 2.22 of the Manual).

As defined in MCA § 75-2-502(3), an asbestos project includes the transportation or disposal of three (3) or more linear or square feet of asbestos containing waste. MCA § 75-2-511(2)(b) requires a person to obtain an asbestos project permit before conducting an asbestos project. ARM 17.74.355 identifies certain submittals that must be provided to the Department before the Department can issue an asbestos project permit. Those submittals include:

1. A signed and fully completed Application For A Montana Asbestos Project Permit And NESHAP Demolition/Renovation Notification Form. A ten (10) working day notification period applies to an asbestos project with a contract volume worth more than \$3,000. According to MCA § 75-2-503 (2), a seven (7) calendar day permit notification period applies to an asbestos project contract volume worth \$3,000 or less;
2. A list of Montana-accredited asbestos personnel who will conduct the asbestos project work activities involved in the transportation and/or disposal of asbestos waste, including their Montana accreditation numbers and expiration dates. See ARM 17.74.362 for accreditation requirements;
3. A copy of the contract showing contract volume for asbestos waste transportation and/or disposal;
4. A permit fee, based on 10% of the contract volume; and
5. A project design, written by a Montana-accredited asbestos project project designer, identifying applicable asbestos waste transportation and/or disposal elements.

A project design for the transportation and/or disposal of regulated asbestos waste must include the following elements according to ARM 17.74.355:

1. (2)(f)(ii) – description of the amount of regulated asbestos waste to be transported or disposed;
2. (x) – a description of personal protective equipment the accredited asbestos project workers or contractor/supervisors will wear;
3. (xi) – a description of work practices;
4. (xiii) – a description of wetting agents and;
5. (xv) – a description of waste transportation and disposal procedures. Note: (xi) and (xv) may be combined because they are similar.

The Manual, which is adopted and incorporated by reference in ARM 17.74.351, identifies specific requirements for the wetting, packaging, labeling, manifesting, handling, transportation, and disposal of regulated asbestos waste. Refer to the Manual for the following requirements:

1. 5.01.C.4 – Maintain all regulated asbestos waste in an adequately wet condition from asbestos removal to waste disposal. Adequately wet is defined in section 2.01 of the Manual;
2. 5.01.C.7 - Ensure the asbestos waste is properly packaged in leak-tight containers. Leak-tight is defined in section 2.16 of the Manual;
3. 5.01.C.8 - Ensure the waste containers are labeled with the name of the waste generators (asbestos project contractor and building owner), the location at which the waste was generated, and proper labels required by the Department of Transportation, 49 CFR Parts 171 and 172, and OSHA, 29 CFR 1926.1101;
4. 5.01.C.9 - Manifest the waste prior to transportation and disposal using a Waste Shipment Record, Waste Manifest Record, or equivalent. Copies of Waste Shipment Record sheets can be obtained from the Department or found in 40 CFR Part 61, Subpart M;
5. 5.01.C.10 - Handle each waste container to prevent damage, breakage or opening;
6. 5.01 A.6 - Discusses posting the asbestos project permit on the decontamination unit; however, since decontamination units are usually not associated with asbestos waste transport or disposal, the asbestos waste transportation and/or disposal project permit should instead accompany the transportation and/or disposal of the waste;
7. 5.01.A.16 – Discusses reporting asbestos contamination due to spillage and the cleanup to the Department within 24 hours.
8. 5.09 A and B discuss the bulk of asbestos waste transportation and disposal requirements.

If waivers of any work practices are desired, they must be requested in writing on a case-by-case basis per Manual section 4.02, Alternative Work Practices Waiver.

In addition to the requirements found in the MCA, ARM, and Manual, asbestos disposal facilities are also required to adhere to the EPA's asbestos NESHAP, 40 CFR Part 61, subpart M. Sections 61.145, 61.150, and 61.154 apply to the handling and disposal of asbestos waste. Additional information on asbestos waste handling can be found in EPA's guidance manual, "A Guide to Normal Demolition Practices Under the Asbestos NESHAP," EPA 340/1-92-013, September 1992, and EPA's "Reporting And Recordkeeping Requirements For Waste Disposal, A Field Guide," EPA 340/1-90-016, November 1990.

The project design accompanying the asbestos project permit application must address the above requirements. For efficiency purposes, according to Manual section 4.01, Standard Operating Procedure Project Design, an asbestos project contractor may submit a Standard Operating Procedure Project Design (SOP PD), written by a Department-accredited asbestos project designer, to the Department for approval. It would replace the requirement to submit a separate project design for each asbestos project permit application for asbestos projects. The Department-approved SOP PD would apply to asbestos projects conducted during the time the project designer is accredited. If an approved SOP PD for a particular asbestos project contractor is on file with the Department and deviations to the

SOP PD are necessary on a specific asbestos project, the asbestos project contractor is required to submit an asbestos project-specific project design and obtain Department approval of the asbestos project-specific project design along with the permit application prior to conducting work.

This clarification memorandum does not address OSHA, Department of Labor and Industry, waste transporter, waste disposal facility, or local asbestos waste transport or disposal requirements.

If you do not have access to the web and would like a copy of any of the referenced documents, please submit your request in writing to:

Asbestos Control Program  
PO Box 200901  
Helena, MT 59620-0901

Feel free to contact the Asbestos Control Program if you have any questions on this memorandum or visit our website at [www.asbestos.mt.gov](http://www.asbestos.mt.gov).

References:

Montana Code Annotated (Title 75, Chapter 2, Part 5) ([http://data.opi.state.mt.us/bills/mca\\_toc/75\\_2\\_5.htm](http://data.opi.state.mt.us/bills/mca_toc/75_2_5.htm))

Administrative Rules of Montana (Title 17, Chapter 74, subchapters 3 & 4) (<http://deq.mt.gov/dir/legal/Chapters/Ch74-toc.asp>)

Montana Asbestos Work Practices & Procedures Manual  
([http://deq.mt.gov/Asbestos/docs/ACP\\_AsbestosManual\\_Rev12\\_FINAL.pdf](http://deq.mt.gov/Asbestos/docs/ACP_AsbestosManual_Rev12_FINAL.pdf))

NESHAP (40 CFR Part 61, subpart M) ([http://deq.mt.gov/Asbestos/docs/ACP\\_Subpart\\_M.pdf](http://deq.mt.gov/Asbestos/docs/ACP_Subpart_M.pdf))